IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(Crl.).No. 221 of 2006(S)

PETITIONER:

ANVAR.E.M., MOIDEEN, AGED 27 YEARS,
EDAPPULLY HOUSE, KADALAYI,KARUMATHRA (PO),
KONATHUKUNNU-VIA, THRISSUR DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.RAJAN VELLOTH
SRI.SABU SREEDHARAN
SRI.VIMAL KUMAR.A.V.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
IRINJALAKUDA POLICE STATION, IRINJALAKUDA.

3. K.K.KUNJU MOHAMMED, KARIPPAKULAM VEEDU,
P.O.KARUMATHRA,KADALAYI, PRESENTLY POST
BOX NO.288, CODE NO.113, STATE OF OMAN.

ADDL. 4. GOVERNMENT OF INDIA, REPRESENTED BY THE
SECRETARY TO GOVT., MINISTRY OF EXTERNAL AFFAIRS,
CENTRAL SECRETARIAT, NEW DELHI.

(ADDL.R4 IS IMPLEADED AS PER ORDER DATED 2.1.07 IN
I.A.NO.17771/2006)

BY ADV. SRI. AJITH KRISHNAN, ADDL.S.G FOR R4
SRI.G.JANARDHANA KURUP (SR.) FOR R3
SRI.P.R.ANANDAN
G.P.SRI.P.A.SALIM FOR R1 & R2

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(Crl.).No. 221 of 2006(S)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE MARRIAGE CERTIFICATE OF THE PETITIONER DATED 24.11.2005.

EXT.P2: TRUE COPY OF THE LAWYER NOTICE SENT TO THE 3RD RESPONDENT DATED 16.5.2006.

EXT.P3: TRUE COPY OF TE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 11.8.2006.

RESPONDENTS' EXHIBITS:

ANNEXURE I: AFFIDAVIT SWORN TO BY SHAHANA ON 30/12/2006 BEFORE THE INDIAN EMBASSY AT OMAN.

ANNEXURE II: FAMILY MEMBERSHIP CERTIFICATE ISSUED BY VILLAGE OFFICER VADAKKUMKARA DATED 17/2/2007.

ANNEXURE A: FAX MESSAGE.

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl.)No.221 OF 2006

Dated 13th April, 2007

JUDGMENT

Koshy,J.

The alleged detenue was present. She stated that she is not under illegal custody. Even though she married the petitioner, now she wants to go with her parents. Since she is a major and she stated that she is not under illegal custody, she is free to go wherever she likes.

The habeas corpus petition is dismissed.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

tks